

LEARNING STATION #4

SETTLERS

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May 19, 2011

Transcript of Homestead Act (1862)

CHAP. LXXV. — *An Act to secure Homesteads to actual Settlers on the Public Domain.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who is the head of a family, or who has arrived at the age of twenty-one years, and is a citizen of the United States, or who shall have filed his declaration of intention to become such, as required by the naturalization laws of the United States, and who has never borne arms against the United States Government or given aid and comfort to its enemies, shall, from and after the first January, eighteen hundred and sixty-three, be entitled to enter one quarter section or a less quantity of unappropriated public lands, upon which said person may have filed a preemption claim, or which may, at the time the application is made, be subject to preemption at one dollar and twenty-five cents, or less, per acre; or eighty acres or less of such unappropriated lands, at two dollars and fifty cents per acre, to be located in a body, in conformity to the legal subdivisions of the public lands, and after the same shall have been surveyed: Provided, That any person owning and residing on land may, under the provisions of this act, enter other land lying contiguous to his or her said land, which shall not, with the land so already owned and occupied, exceed in the aggregate one hundred and sixty acres.

SEC. 2. And be it further enacted, That the person applying for the benefit of this act shall, upon application to the register of the land office in which he or she is about to make such entry, make affidavit before the said register or receiver that he or she is the head of a family, or is twenty-one years or more of age, or shall have performed service in the army or navy of the United States, and that he has never borne arms against the Government of the United States or given aid and comfort to its enemies, and that such application is made for his or her exclusive use and benefit, and that said entry is made for the purpose of actual settlement and cultivation, and not either directly or indirectly for the use or benefit of any other person or persons whomsoever; and upon filing the said affidavit with the register or receiver, and on payment of ten dollars, he or she shall thereupon be permitted to enter the quantity of land specified: Provided, however, That no certificate shall be given or patent issued therefor until the expiration of five years from the date of such entry; and if, at the expiration of such time, or at any time within two years thereafter, the person making such entry; or, if he be dead, his widow; or in case of her death, his heirs or devisee; or in case of a widow making such entry, her heirs or devisee, in case of her death; shall prove by two credible witnesses that he, she, or they have resided upon or cultivated the same for the term of five years immediately succeeding the time of filing the affidavit aforesaid, and shall make affidavit that no part of said land has been alienated, and that he has borne true allegiance to the Government of the United States; then, in such case, he, she, or they, if at that time a citizen of the United States, shall be entitled to a patent, as in other cases provided for by law: And provided, further, That in case of the death of both father and mother, leaving an Infant child, or children, under twenty-one years of age, the right and fee shall ensure to the benefit of said infant child or children; and the executor, administrator, or guardian may, at any time within two years after the death of the surviving parent, and in accordance with the laws of the State in which such children for the time being have their domicil, sell said land for the benefit of said infants, but for no other purpose; and the purchaser shall acquire the absolute title by the purchase, and be entitled to a patent from the United States, on payment of the office fees and sum of money herein specified.

SEC. 3. And be it further enacted, That the register of the land office shall note all such applications on the tract books and plats of, his office, and keep a register of all such entries, and make return thereof to the General Land Office, together with the proof upon which they have been founded.

SEC. 4. And be it further enacted, That no lands acquired under the provisions of this act shall in any event become liable to the satisfaction of any debt or debts contracted prior to the issuing of the patent therefor.

SEC. 5. And be it further enacted, That if, at any time after the filing of the affidavit, as required in the second section of this act, and before the expiration of the five years aforesaid, it shall be proven, after due notice to the settler, to the satisfaction of the register of the land office, that the person having filed such affidavit shall have actually changed his or her residence, or abandoned the said land for more than six months at any time, then and in that event the land so entered shall revert to the government.

SEC. 6. And be it further enacted, That no individual shall be permitted to acquire title to more than one quarter section under the provisions of this act; and that the Commissioner of the General Land Office is hereby required to prepare and issue such rules and regulations, consistent with this act, as shall be necessary and proper to carry its provisions into effect; and that the registers and receivers of the several land offices shall be entitled to receive the same compensation for any lands entered under the provisions of this act that they are now entitled to receive when the same quantity of land is entered with money, one half to be paid by the person making the application at the time of so doing, and the other half on the issue of the certificate by the person to whom it may be issued; but this shall not be construed to enlarge the maximum of compensation now prescribed by law for any register or receiver: Provided, That nothing contained in this act shall be so construed as to impair or interfere in any manner whatever with existing preemption rights: And provided, further, That all persons who may have filed their applications for a preemption right prior to the passage of this act, shall be entitled to all privileges of this act: Provided, further, That no person who has served, or may hereafter serve, for a period of not less than fourteen days in the army or navy of the United States, either regular or volunteer, under the laws thereof, during the existence of an actual war, domestic or foreign, shall be deprived of the benefits of this act on account of not having attained the age of twenty-one years.

SEC. 7. And be it further enacted, That the fifth section of the act entitled "An act in addition to an act more effectually to provide for the punishment of certain crimes against the United States, and for other purposes," approved the third of March, in the year eighteen hundred and fifty-seven, shall extend to all oaths, affirmations, and affidavits, required or authorized by this act.

SEC. 8. And be it further enacted, That nothing in this act shall be construed as to prevent any person who has availed him or herself of the benefits of the first section of this act, from paying the minimum price, or the price to which the same may have graduated, for the quantity of land so entered at any time before the expiration of the five years, and obtaining a patent therefor from the government, as in other cases provided by law, on making proof of settlement and cultivation as provided by existing laws granting preemption rights.

APPROVED, May 20, 1862.

Page URL: <http://www.ourdocuments.gov/doc.php?doc=31&page=transcript>

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The Homestead Act 1862

In 1862, the Homestead Act was passed and signed into law. The new law established a three-fold homestead acquisition process: filing an application, improving the land, and filing for deed of title. Any U.S. citizen, or intended citizen, who had never borne arms against the U.S. Government could file an application and lay claim to 160 acres of surveyed Government land. For the next 5 years, the homesteader had to live on the land and improve it by building a 12-by-14 dwelling and growing crops. After 5 years, the homesteader could file for his patent (or deed of title) by submitting proof of residency and the required improvements to a local land office.

Local land offices forwarded the paperwork to the General Land Office in Washington, DC, along with a final certificate of eligibility. The case file was examined, and valid claims were granted patent to the land free and clear, except for a small registration fee. Title could also be acquired after a 6-month residency and trivial improvements, provided the claimant paid the government \$1.25 per acre. After the Civil War, Union soldiers could deduct the time they served from the residency requirements.

<http://www.archives.gov/education/lessons/homestead-act/>

asc

HOMESTEAD.

Land Office at *Brownville Mo*
January 20th 1868.

CERTIFICATE, } No. <i>1</i>	} APPLICATION, No. <i>1</i>
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It is hereby certified, That pursuant to the provisions of the act of Congress, approved May 20, 1862, entitled "An act to secure homesteads to actual settlers on the public domain,"

Daniel Kruman has
made payment in full for *1/2 of NW 1/4 & 1/2 of NW 1/4 of SW 1/4 of T6S 1/4* of
Section *Twelfth (26)* in Township *fourth N*
of Range *five (5) E* containing *160* acres.

Now, therefore, be it known, That on presentation of this Certificate to the
COMMISSIONER OF THE GENERAL LAND OFFICE, the said *Daniel Kruman*
shall be entitled to a Patent for the Tract of Land above described.

Henry M. Atkinson Register.

Application }
No. 1. }

Homestead
Land office
Brownville N.T. January 1st 1863

I Daniel Freeman of Gage County Nebraska Territory.
Do hereby apply to enter under the Provisions of the
act of Congress approved May 20th 1862 entitled, an act
to Secure Homesteads to actual settlers on the Public Domain
The South half of N.W. 1/4 & N.E. 1/4 of N.W. 1/4 & S.W. 1/4 of N.E. 1/4 Sec. 26.
in Township ~~34~~⁽⁴⁾ N in Range Five East containing 166 acres
Having filed my Pre-emption Declaration thereon
the Eighth day of September 1862

Daniel Freeman

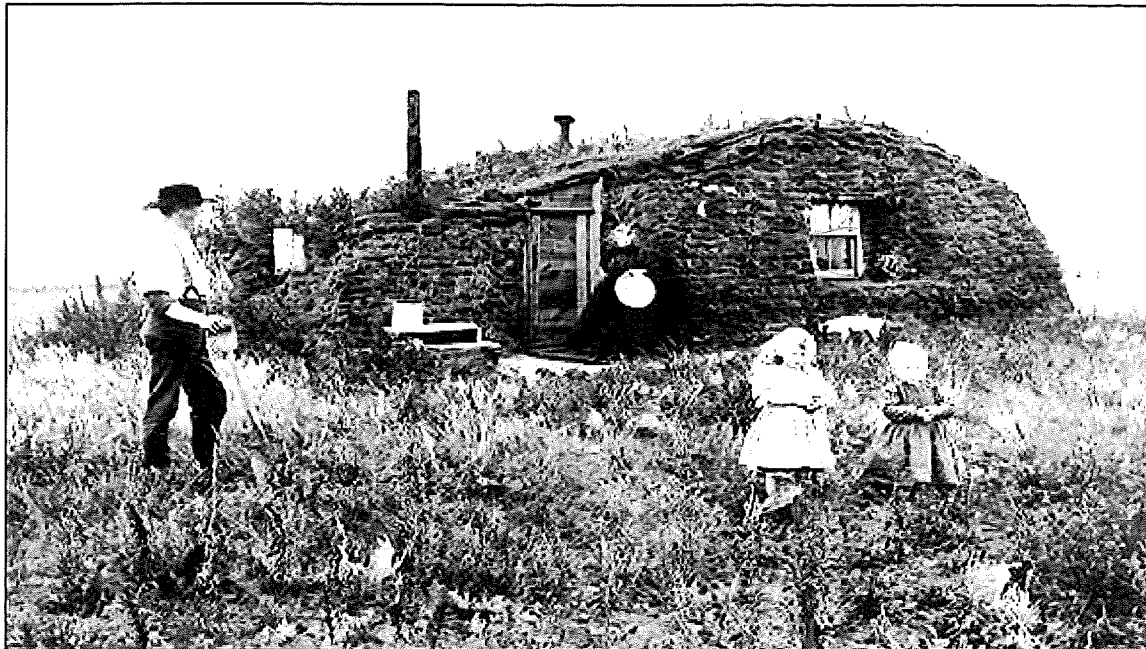
Land office at:

Brownville N.T. January 1st 1863

I Richard F. Barrett Register of the Land office do
hereby certify that the above application is for damaged
Lands of the Class which the applicant is legally entitled to enter
under the Homestead act, of May 20th 1862 and that there is no
prior valid adverse Right to the same.

Richard F. Barrett
Register

Pictures of Soddies



Postcard of Norwegian Immigrants



Military Bounty Land Warrants in the United States, 1847-1900

Principal Investigator(s): Oberly, James W.

Summary: Between 1847 and 1855 the Congress of the United States passed four land warrant acts which granted 60 million acres of land to veterans and their heirs. The Pension Bureau determined the eligibility of these individuals and issued military bounty land grants for up to 160 acres. Most of these land warrants were issued before 1860, but the government continued to make grants through the remainder of the 19th century. Because of these Congressional acts approximately one in nine U.S. families received a land warrant for earlier military service. Families usually sold their warrants for cash to third parties who then presented them to the General Land Office as payments for parcels of public land. Variables include the number of acres awarded to the warrant recipient, the conflict in which the veteran served, his wartime military rank, his state of residence, the public land office where the warrant was located, the year the warrant was issued, and the type of military unit in which the veteran served. Information is also provided concerning the ability of the recipient to sign his name, the relationship of the recipient to the original veteran, whether or not the grant had been sold, and, if so, the name of the buyer.



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Bounty-Land Warrants for Military Service, 1775–1855

From 1775 to 1855 the United States granted bounty-land warrants for military service, primarily to encourage volunteer enlistments, but also to reward veterans for service during the Revolutionary War, the War of 1812, the Mexican War, and a variety of Indian wars, Indian removals, and other military actions during the 1850s. Early warrants could only be used in military districts, principally in Ohio and several other public land states in the former Northwest Territory. Eventually, Congress expanded eligibility to include service in the Regular Army and the Navy, as well as volunteer militias.

Bounty-land warrant files can contain supporting documents such as statements and signatures of witnesses. Bounty-land warrants generally do not contain as much personal information as the pensions. The Government ceased issuing bounty-land-warrants after 1855.

The records are part of **Record Group 15, Records of the Department of Veterans Affairs**.

Unindexed Bounty-Land Warrant Files

Case Files of Bounty-Land Warrant Applications Based on Service Between 1812 and 1855 and Disapproved Applications Based on Revolutionary War Service (RG15, Entry 26).

Arranged alphabetically by surname, these files cover service in the War of 1812 as well as the Old Indian Wars. **An automated index is currently being created and is available in the Microfilm Research Room.**

Revolutionary War

Congress authorized bounty-land warrants for military service in the Revolutionary War under acts of 1788, 1803, and 1806. Surviving Revolutionary War veterans also qualified under the final bounty-land act of 1855. Many bounty-land claims for Revolutionary War service have been combined with other Revolutionary War pension files.

M804, *Revolutionary War Pensions and Bounty-Land Warrant Applications*. 2,670 rolls. DP.
Arranged alphabetically by surname.

M829, *U.S. Revolutionary War Bounty-Land Warrants Used in the U.S. Military District of Ohio and Related Papers (Acts of 1788, 1803, and 1806), 1788–1806*. 16 rolls. DP. Arranged numerically by warrant number. Roll 1 contains indexes and registers.

War of 1812

Bounty-land warrants for service in the War of 1812 are based on acts of 1811 and 1812. Surviving veterans also qualified for such benefits under acts of 1842, 1850, 1852, and 1855. Many War of 1812 bounty-land records are also interfiled with the War of 1812 pension files.

___ M848, *War of 1812 Military Bounty Land Warrants, 1815–1858*. 14 rolls. DP. Arranged numerically by warrant number. An index appears on Roll 1. These warrants relate to files from the Territories of Michigan, Illinois, and Louisiana (in present-day Arkansas).

___ M313, *Index to War of 1812 Pension Application Files*. 102 rolls. DP. Arranged alphabetically by surname. This series relates to claims based on service rendered between 1812 and 1815, including military actions against Indians during the War of 1812. Each entry provides the filing information for bounty-land warrants granted under the acts of 1812, 1850, and 1855.

Mexican War

Congress granted bounty-land warrants for service in the Mexican War under the act of 1847. The bounty-land records are interfiled with the Mexican War pension files.

___ T317, *Index to Mexican War Pension Files, 1887–1926*. 14 rolls. Arranged alphabetically by surname. The index provides filing information for bounty-land warrants granted for service between 1846 and 1848.

Old Indian Wars

The acts of 1850, 1852, and 1855 granted bounty-land warrants for service in all Indian wars fought from 1790 up to the beginning of the Civil War. These records are unindexed except for those relating to service against Indians during the War of 1812, which are covered in M313 listed above.

___ *Land Surrender Warrants*. Many veterans who received bounty-land did not take possession, but sold them to another party. The surrender warrants are in the records of the General Land Office (RG 49). To find the land surrender warrant, you need to know the war, the warrant number, the number of acres, and the act of Congress under which the person was eligible. These can be requested using NATF Form 84, "Order for Copies of Land Entry Files" at Order Online at www.archives.gov.

Published Indexes

The following published resources are available in the National Archives Library Information Center (ALIC) as well as many public and university libraries.

Clifford Neal Smith, *Federal Bounty-Land Warrants of the American Revolution, 1799–1835*. Chicago: American Library Association, 1973.

National Genealogical Society, *Index to Revolutionary War Pension [and Bounty-Land Warrant] Applications in the National Archives*. Washington, DC: National Genealogical Society, 1976. (CS42 .N433)

Virgil D. White, *Index to War of 1812 Pension [and Bounty-Land Warrant] Files*. 3 vols. Waynesboro, TN: National Historical Publishing Co., 1992. (E359.4 .W45 1992)

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